

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ROBERT LEE BANARGENT,

Plaintiff,

VS.

CHAD BRIDGES, *et al*,

Defendants.

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CIVIL ACTION NO. G-10-55

MEMORANDUM AND ORDER OF DISMISSAL

Robert L. Banargent (TDCJ # 1337759), an inmate in custody of the Texas Department of Criminal Justice-Correctional Institutions Division, (TDCJ-CID), has filed a complaint under 42 U.S.C. § 1983, alleging violations of his civil rights. It has come to the Court's attention that Banargent has recently incurred four strikes for bringing actions that were dismissed for being frivolous. A prisoner cannot file a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action that was dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g). The only exception to revocation of an inmate's privilege to proceed *in forma pauperis* is if he is in imminent danger of serious physical harm. *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998). Plaintiff's complaint does not indicate that he is in imminent danger.

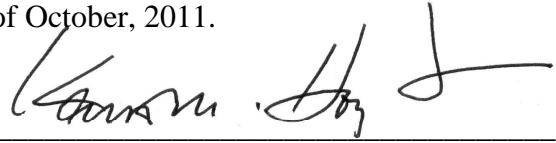
The plaintiff has incurred four strikes for frivolous filings and has been barred from filing subsequent civil rights actions. Accordingly, it is **ORDERED** that this complaint is **DISMISSED** without prejudice to refile after payment of the entire \$350.00 filing fee.

All pending motions are **DENIED**.

The Clerk shall provide a copy of this order by regular mail, facsimile transmission, or e-mail to: (1) the TDCJ - Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711,

Fax Number (512) 936-2159; (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax: 936-437-4793; and (3) the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Manager of the Three-Strikes List.

SIGNED at Houston, Texas this 5th day of October, 2011.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge